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Counsel for **Dallas County**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CASE NO. 23-30234
	§	
ROBERT PARKS	§	CHAPTER 13
	§	
	§	
DEBTOR	§	
	§	

**RESPONSE TO DEBTOR'S
SECOND MOTION TO SELL REAL PROPERTY FREE AND CLEAR OF INTERESTS**
(65)

COMES now, **Dallas County**, a secured creditor in the above-referenced case, and files this Response to Debtor's Second Motion to Sell Real Property Free and Clear of Interests and would respectfully state unto the Court as follows:

1. Respondent **admits** the allegations set forth in Paragraph One (1) of the Motion.
2. Respondent **admits** the allegation set forth in Paragraph Two (2) of the Motion.
3. Respondent **admits** the allegations set forth in Paragraph Three (3) of the Motion.
4. Respondent **admits** the allegation set forth in Paragraph Four (4) of the Motion.
5. Respondent **admits** the allegations set forth in Paragraph Five (5) of the Motion.
6. Respondent is without sufficient information to form a belief as to the

truth of the allegations set forth in Paragraph Six (6) and thereby **denies** same.

7. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Seven (7) and thereby **denies** same.

8. Respondent is without sufficient information to form a belief as to the allegations set forth in Paragraph Eight (8) and thereby **denies** same.

9. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Nine (9) and thereby **denies** same.

10. Respondent **denies** the allegations set forth in Paragraph Ten (10) of the Motion; however, to the extent of the sums due Dallas County, Dallas County, states as follows: The Dallas County taxes regarding the specific real estate that is owing on the property that is the subject of the motion to sell located at **1119 Lima Street** are in the sum of **\$10,073.93** payable no later than **July 1, 2024**. This property was surrendered via the letter agreement entered into between Debtor's counsel and Creditor's Counsel for Dallas County and the stay lifted on this property at confirmation which occurred on January 4, 2024. Prior to debtor's bankruptcy filing on February 7, 2023, at 9:51 a.m., funds were tendered to the Sheriff of Dallas County for ad valorem property taxes owing on the subject real estate relative to Tax Suit 16-01214 on February 7, 2023, at 7:43 a.m., by Thueson & Deus Ventures LLC which included all court costs, levy costs, sheriff's costs, and other fees prior to the tax foreclosure sale scheduled on February 7, 2023. If it is the intent of the Debtor to pay his Chapter 13 plan in full, then there are two (2) other properties that will require payment in full on ad valorem property taxes to be paid which the debtor has listed to be paid in his Chapter 13 plan per the letter agreement that was entered into and consummated into his Chapter 13 plan. The Chapter 13 Trustee's office would be required to pay to Dallas County the sum of **\$38,757.44 payable at 12% from the**

date of bankruptcy filing on February 7, 2023 as the claim owing Dallas County is an over secured claim. That payoff would include properties located at 20 South Lancaster Hutchins Road and 2526 Hulette Avenue and would also include the court costs owing for the tax suit TX-20-00045 (included in the Dallas Proof of Claim filed on March 24, 2023). However, if the Debtor desires to remain in his Chapter 13 plan and only desires to pay off the Lima Street property by the end of June, the payoff figure has been provided herein.

11. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Eleven (11) and thereby **denies** same.

12. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Twelve (12) and thereby **denies** same.

13. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Thirteen (13) and thereby **denies** same.

14. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Fourteen (14) and thereby **denies** same.

15. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Fifteen (15) and thereby **denies** same.

16. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Sixteen (16) and thereby **denies** same.

17. Respondent is without sufficient information to form a belief as to the truth of the allegations set forth in Paragraph Seventeen (17) and thereby **denies** same.

WHEREFORE, Dallas County respectfully requests that the Court allow the sale with the conditions as set forth herein by the taxing entity to ensure payment of any delinquent ad valorem property taxes to date on the real estate as the stay has lifted on such real estate that is the

subject of the sale motion and to ensure that the lien for the calendar year of 2024 remains attached to the sale property and require the Debtor to elect either the sale of this property only by this motion or elect payoff of his plan in full on all properties in the plan and if so, the Debtor would then be required to pay the properties in full per paragraph ten (10) above per the confirmed plan treatment.

Dated: May 28, 2024

Respectfully submitted,

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By: /s/Lisa L. Evans
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COUNSEL FOR DALLAS COUNTY

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Response to the Motion to Sell Real Property free and clear of interests to be served electronically if such party has elected to receive service in that manner on **May 28, 2024**, or via First Class, U.S. Mail, postage pre-paid, on **May 29, 2024**, upon the parties listed on the attached Service List.

/s/Lisa L. Evans

Lisa L. Evans

SERVICE LIST

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